

Application No.: 09/888,093

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Docket No.: 249212013900  
Client Ref. No.: Q01-1019-US1**REMARKS**

Claims 1-6, 10, 12, 16-19, 34, 51, 52, 66-94 and 101-122 are pending. Claims 66-93 were withdrawn. Claims 1-6, 10, 12, 16-19, 34, 51, 52, and 101-122 were rejected. New claim 123 has been added. By virtue of this response, claims 101, 106, 107, 115, 118, 119 have been amended. Accordingly, claims 1-6, 10, 12, 16-19, 34, 51, 52, 66-94 and 101-123 are currently under consideration.

For the Examiner's convenience, Applicants' remaining remarks are presented in the same order in which they were raised in the Office Action.

**Claim Rejections Under 35 USC §102**

Claims 1-5, 10, 51-52 and 94 are rejected under 35 U.S.C. 102(e) as being anticipated by Kondo (U.S. Pat. 6,254,966).

Regarding claim 1, Examiner alleges that Kondo discloses an optical recording article comprising a substrate 1B; a magneto-optic recording material 5b1, 2, 3; and reflective material 5b4 between the substrate and the magneto-optic recording material. Applicant respectfully submits that Kondo does not disclose those features. In particular, Fig. 11 of Kondo does not show a reflective layer. Fig. 24 of Kondo shows a reflecting layer 5g1 of ArCr, but the reflecting layer 5g1 is not between the substrate and the recording layer. Instead, in Fig. 24, the reflecting layer 5g1 and the substrate 1B are on opposite sides of the recording layer 5c1. Therefore Kondo neither discloses nor suggests a reflective material between the substrate and the magneto-optic recording material.

Claims 2-5, 10, and 51-52 depend from claim 1. Applicant asserts that claims 2-5, 10, and 51-52 are patentable over the cited references for at least similar reasons as claim 1.

Claim 94 discloses a reflective material between the substrate and the data storage layer, the data storage layer comprising a magneto-optic recording material, which is a structure similar to

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that of claim 1. Applicant asserts that claim 94 is patentable over the cited references for at least similar reasons as claim 1.

### Specification

The amendment filed 7/8/05 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. In particular, newly added paragraph [0048.1] is objected to.

To expedite prosecution, applicant has amended the specification to delete paragraph [0048.1].

### Claim Rejections Under 35 USC §112

Claims 101-122 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with written description requirement.

Applicant has amended all claims that contain the word "dielectric" (i.e., claims 101, 106, 107, 115, 118, and 119) to replace the word "dielectric" with "heat absorbing". The heat absorbing layers correspond to layers 320 and 340 of Figure 4. Support for the amendments may be found, e.g., on page 8 at lines 27-28, which state that layers "320 and 340 can be formed of a material capable of absorbing heat". Applicant therefore submits that the use of the term "heat absorbing" to describe layers 320 and 340 is supported by the specification. Applicant asserts that the subject matter of claims 101-122, including amended claims 101, 106, 107, 115, 118, and 119, is described in the specification. Applicant therefore respectfully requests that the Examiner withdraw the 35 U.S.C. 112 rejection to claims 101-122.

As stated in Applicant's previous response, support for the optical phase change tape of claim 101, including the substrate, the reflective layer, the first heat absorbing layer, the optical recording layer, and the second heat absorbing layer can be found in the specification. In particular, claims 101-107 disclose the compositions and thicknesses of the optical phase change tape described in Example I of the specification (e.g. page 13). Claim 108 discloses the thickness

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described in Example II. Claims 109-110 disclose the compositions and thicknesses described in Examples III and IV. Claim 111 discloses a composition described in Example III. Claim 112 discloses a composition with a thickness as described in Example V. Claims 113 and 114 disclose compositions described in Example I. Claims 115-121 disclose compositions and thicknesses described in Examples VII and VIII.

New claim 123 includes a reflective layer comprising aluminum and titanium between the substrate and the first heat absorbing layer. Support for the features of claim 123 may be found in the specification. The reflective layer may be, for example, layer 310 of Figure 4. The specification states that "Layer 310 is formed of a material that can absorb heat and/or reflect energy...Examples of materials from which layer 310 can be formed include...titanium, ...aluminum" (page 8, lines 11-14).

#### Claim Rejections Under 35 USC §103

Claims 6, 12, 16-19, 34, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kondo in view of Hirata et al.

Claims 6, 12, 16-19, 34 depend from claim 1. Applicant asserts that claims 6, 12, 16-19, 34 are patentable over the cited references for at least similar reasons as claim 1.

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In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 249212013900. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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